

REMARKS

In the above amendments, Applicant amends independent claims 1, 10, 17, and 27, and cancels independent claim 24 and its dependent claims 25 and 26. Various dependents under the amended independent claims are either amended or canceled in view of the independent claim amendments. As Applicant details below, it is believed that all claims pending after entry of the amendments herein stand in condition for immediate allowance.

On that point, the Office Action asserts that Kafri (US 6,754,316) anticipates claims 1-4 under 35 U.S.C. 102(e), but these claims explicitly are directed to call handling in a wireless communication network, whereas Kafri explicitly is directed to registering unanswered telephone calls in the Public Switched Telephone Network (PSTN). Kafri never mentions, suggests, or even alludes to call handling in a wireless communication network.

This lack of relevance is critical because anticipation is found only when the asserted reference discloses each and every limitation of the claims at issue, *in the identical arrangement as claimed*. Kafri does not teach or suggest (or mention) call handling in a wireless communication network, nor does it discuss handling voice and data calls for a mobile station. Kafri by definition cannot be used as an anticipating reference and must be withdrawn.

However, for clarity, Applicant amends claim 1 herein to include the limitations of claim 4, wherein the claimed mobile station is busy in a packet-switched data call and wherein the claimed method includes reconfiguring the traffic channel allocated to that (packet-switched) data call for use in supporting and delivering the incoming voice call. Kafri does not disclose wireless communication network traffic channels, has no sense of packet-switched data calls versus voice calls, and unequivocally does not offer any teachings related to the reconfiguration of a traffic channel from supporting a packet-switched data call to supporting a newly incoming voice call.

Claim 1 is patentable over Kafri, as are its remaining dependents. (The rejections of claims 2-4 are mooted by their cancellation herein.) Applicant therefore requests withdrawal of the Kafri rejections.

The Office Action also rejects claims 1-5 and 7-8 under 35 U.S.C. 102(e) as being anticipated by Peters (US 6,842,622). This rejection fails as a matter of law. As one example, the Office Action alleges that Step 402 (and description) for Fig. 4 of Peters teaches receiving an incoming voice call for a mobile station that is busy in a data call. The cited section (and all other similar sections in Peters) explicitly identify that the user is busy—not that the phone is busy in another phone call—and that the user has placed the phone in an automatic-answer mode.

Peters has no relevance to invention of claims 1-5 and 7-8, and the anticipation rejections of those claims based on Peters fails as a matter of law. Applicant submits that claim 1 and its dependent claim 8 are allowable over Peters, and further notes that claims 2-5 and 7 are canceled, rendering their rejection moot.

The Office Action also rejects claims 6, 10-14, 17-21, and 24-28 under 35 U.S.C. 103(a) as being obvious over Grinn (2002/0102962) in view of Peters. (The Office Action spells Grinn as “Grim,” but the identification of Grinn is correct otherwise.)

Applicant notes that claim 6 depends from claim 1 and is allowable for the at least for reasons given above. Applicant further notes that independent claims 10, 17, and 27 patentably define over Grinn, taken alone or in any attempted combination with Peters, because neither reference alone or in combination teaches or suggests all of the limitations in the individual independent claims 10, 17, and 27.

For example, the arguments on p. 4 of the Office Action allege that Fig. 4, Steps 406, 407, 408, and 410 of Grinn and its corresponding descriptions teach reconfiguring the traffic channel of a packet-switched data call for use in supporting an incoming voice call.

Respectfully, that passage of Grinn basically teaches the opposite. That is, Fig. 4 of Grinn teaches allowing coexistent packet-switched and circuit-switched calls if no radio restriction exists. If a radio restriction does exist, Grinn plainly teaches rejecting the request for the additional call, meaning that no channel is reconfigured. Further, if no radio restriction does exist, then the allowed co-existence of the circuit-switched and packet-switched calls by definition means that the packet-switched call's traffic channel is not being reconfigured for use in supporting the circuit-switched call.

Peters has nothing to do with this disputed limitation, and does not appear to be combinable with Grinn in any meaningful way, and certainly not in any way that reproduces Applicant's invention as claimed.

In light of the above amendments and arguments, Applicant submits that all claims pending after entry of the amendments presented herein stand in condition for immediate allowance. Applicant respectfully looks forward to an indication as such by the Patent Office.

Respectfully submitted,
COATS & BENNETT, P.L.L.C.



Dated: March 30, 2007

Michael D. Murphy
Registration No.: 44,958

P.O. Box 5
Raleigh, NC 27602
Telephone: (919) 854-1844
Facsimile: (919) 854-2084